

**From:** M Cowperthwaite  
**To:** Microsoft ATR  
**Date:** 1/24/02 10:24am  
**Subject:** Comments on the proposed Microsoft Settlement

I am writing to express my vexation with the proposed settlement of the antitrust case against Microsoft.

It strikes me as indefensible that the Department of Justice, having successfully found Microsoft guilty of illegally wielding and bolstering their monopoly status, is willing to allow the company to simply agree to minor behavioral restrictions.

While I have long thought a structural remedy would be best, I appreciate the arguments against and accept that such remedy may well be unworkable. Therefore, given the need for a behavioral remedy, I believe the following measures, at minimum, would be appropriate:

- 1) A substantial fine. While I claim no expertise on setting fine valuations, I suggest 33% of Microsoft's gross profits for the years 1994-2000 inclusive.
- 2) A complete vacation of agreements with PC vendors which specify any control at all by Microsoft on the presentation of the Windows desktop, and the prohibition of any further such agreements.
- 3) The enforced publication (opening) of the file formats used by the Microsoft Office suite.

These measures would be above and beyond those specified in the proposal, altho those measures need some adjustment on their own. For instance, the language in section III(J)(2) and III(D) specify that the APIs and protocols need to be disclosed only to businesses; in some cases, specific businesses. This is nonsense: the information needs to be published, openly, for use by any and all interested parties -- including, it should be noted, government, non-profit and open-source and free-software concerns.

I call upon the arbiters of the proposed settlement to reject and demand the Department of Justice make a new proposal which will actually impose punishment on Microsoft. The company will not fail because of it, and with sufficient restraints on its overweening power, perhaps other companies will have a chance to actually put a product into the market without having it crushed by the behemoth.

Thank you for your attention.

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